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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/251,781 02/17/99 SUPE-DIENES

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EXAMINER

DEXTER, C

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 04/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/251,781

Applicant(s)
Supe-Dienes

Examiner
Clark F. Dexter

Group Art Unit
3724



☒ Responsive to communication(s) filed on Jan 29, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 18-34 is/are pending in the application.

Of the above, claim(s) 22-34 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 18 and 19 is/are rejected.

☒ Claim(s) 20 and 21 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. The amendment filed January 29, 2001 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wingen, pn 4,434,695 (hereafter Wingen '695).

Regarding claim 18, Wingen '695 discloses a blade holder with almost every structural limitation of the claimed invention including an advancing device (e.g., 8, 18), a pressure spring (e.g., 7), and a pressing device (e.g., 19) in the form of an abutment which presses against the spring, but lacks the pressing device for overcoming the force of the pressure spring. However, the Examiner takes Official notice that adjustable abutments for adjusting the spring tension are old and well known in the art. In order to increase the spring tension, the abutment is adjusted inwardly and during such adjustment, the force of the spring must be overcome (else the adjustment would be impossible). Therefore, it would have been obvious to one having ordinary

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skill in the art to provide a pressing device in the form of an adjustable abutment in to control the spring tension and thus adjust the operation the of the device.

Regarding claim 19, Wingen '695 discloses a blade holder with almost every structural limitation of the claimed invention including the pressing device having a slide in the form of an abutment (e.g., 19), but further lacks the pressing device comprising a second pneumatic drive. However, the Examiner takes Official notice that it is old and well known in the art to provide structure such as a pneumatic drive for actuating a slide/abutment for automatically or remotely adjusting the position of the slide/abutment against which a spring is braced to adjust the spring tension to then adjust the pressure provided by the spring on the active components of a device. Therefore, it would have been obvious to one having ordinary skill in the art to make component 19 into an adjustably positionable slide and to provide a pneumatic drive to position the slide for the well known benefits including that described above.

Allowable Subject Matter

4. Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response to Arguments

5. Applicant's arguments filed January 29, 2001 have been fully considered but they are not persuasive.

In the third paragraph on page 4 of the amendment, applicant argues that "the structural feature of Wingen, indicated with reference numeral 19, in no way can be seen as a 'pressing device.'" The Examiner respectfully disagrees. Component 19 clearly provides a pressing force on the spring 7 (i.e., an equal and opposite force in the static condition) and loads the spring in a direction of the cutting position (i.e., the cutting position and the direction of loading are both to the left of the abutment member 19). Further, it is the Examiner's position that the addition of a second pneumatic drive would be an obvious modification for at least the reasons described in the prior art rejection above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period


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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.


Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
April 9, 2001